

STATE OF NEW HAMPSHIRE



Mechanical Safety Board

Office: N.H. State Fire Marshal's Office
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**MEETING MINUTES
MECHANICAL SAFETY BOARD
December 17, 2014**

Timothy Dupont
Chairman
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William Trombly Jr
Vice Chairman
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Omer Beaudoin
Member
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Steven Chartier
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Steve Labbe
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David Pelletier
Member
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Lyndon Rickards
Member
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Terrell Swain
Member
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The scheduled meeting of the Mechanical Safety Board was held at 98 Smokey Bear Blvd, Classroom 1, Concord, NH on the above date, beginning at 10:00 am. The members present and participating were Tim Dupont, Steve Labbe, Omer Beaudoin and William Trombly Jr. Absent were Terrell Swain, Steven Chartier, David Pelletier and Lyndon Rickards. Also attending were Shana Warriner, Administrative Supervisor / Board Secretary, Jeffrey Cyr, Chief Mechanical Inspector and Matthew Labonte, Bureau Chief and Dept. of Safety Attorney David Hilts.

Non-Public Meeting

On the motion of Tim Dupont and second of Bill Trombly Jr. the board unanimously voted to conduct a non-public session for the purpose of discussing confidential board business, namely a matter which if discussed in public would likely affect adversely the reputation of a person, other than a member of the body or agency itself and records pertaining confidential information noting that such a non-public session is authorized by RSA 91-A:3,II(c) and RSA 91-A:5,IV.

Upon the motion of Tim Dupont and second by Bill Trombly Jr. the Board unanimously voted to withhold and seal the minutes of the non-public session from public disclosure pursuant to RSA 91-A:3,II on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member. Each member recorded his or her vote on the motion which passed by the unanimous vote of all members present.

Call Meeting to Order.

Meeting was called to order at 10:00 am

Non-Public

Motion by Tim Dupont to approve New Gas Trainee application for Andrew Anderson with conditions stated in non-public session. All in favor.

Motion by Tim Dupont to approve new plumbing apprentice and gas

trainee Shawn Aykroid with conditions as stated in non-public session. All in favor.

Approve Minutes from Previous Meeting

Motion to accept November 19th minutes by Tim Dupont second by Steve Labbe. All in favor.

Motion to accept December 3rd minutes by Tim Dupont second by Bill Trombly Jr. All in favor.

Correspondence

None

Legislation:

No board members reported any possible sponsor of proposed funding source legislation changing at this time.

Committee Reports

- a. BCRB Update: None.
- b. Rules Working Group Update: None.

Old Business

300, 400 and 500 rules: Tim Dupont motioned to approve rules for public hearing for January 21st meeting second by Bill Trombly Jr. All in favor.

Tim Dupont wanted to thank Chief Cyr and all the inspectors on all their work on the seminars for the providers. The provider education course was a success and was done and put together very well.

Attorney Hilts stated the interim rules are currently kind of a messy situation. Scott Eaton says no fiscal impact statement but manual states no fiscal impact statement needed if you're trying to get interim rules from emergency rules. JLCAR may not allow it or want to allow it. Scott Eaton has a lot of comments. Attorney Hilts suggested postponing interim rules until January 16th and file the regular proposed rules before January 16th so that the board can state that the interim rules will only apply until the proposed final rules are approved.

Tim Dupont withdrew motion to set public hearing in January. Second by Bill Trombly Jr. All in favor.

Attorney Hilts proposed the following steps:

1. Postpone tomorrow's JLCAR to January 16th.
2. Meet with Chief Cyr to go over comments that Scott Eaton has. We will need to have another board meeting to approve final revised rules. Goal to file before January 16th. Still requesting for interim rules until regular rules are approved which will be in progress.
3. Adopt Interim rules in our January 21st meeting for the 300, 400 and 500 rules as a package.

New Business

Peter Vines was present with legal representation in regards to a possible violation of his consent agreement. The consent agreement stated that he was not to have any more unlicensed workers in NH. Chief Cyr reported he has violated this agreement within 2 months of signing it. Mr. Vines handed out a binder to all members of the new policy changes being implemented within his company to take care of any possible issues with the business.

Tim Dupont motioned the current consent agreement stays in place until a proposed revised agreement can be drafted for board review that will lengthen the term and require a list of all employees. Mr. Vines license will stay active until that time. Second by Omer Beaudoin. All in favor.

Policy on Criminal Records - Matt Labonte has written a proposed policy stating the following: The Mechanical Licensing Board voted to authorize licensing supervising staff to review criminal records submitted by applicants and further grants the discretion to dismiss for further consideration any such records for misdemeanors or violation convictions that exceed 7 years from the date of conviction.

Motion to approve by Bill Trombly Jr to enact the written policy today. Second by Steve Labbe. All in favor.

Chief Inspectors Report

Chief Cyr reviewed his report with the board. Chief Cyr has a possible consent violation for January meeting.

Public Comment

None

With no further business to address the Board meeting adjourned at 12:35 pm. ***The next meeting of the Board will be January 21, 2015 at 10:00 a.m., 33 Hazen Drive, 2nd Floor Conf. Room, Concord NH 03301***

End of Minutes